

**HUMAN SERVICES DEPARTMENT [441]**

**Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 234.6, 239B.4(6), and 249A.4, the Department of Human Services proposes to amend Chapter 40, “Application for Aid,” Chapter 76, “Application and Investigation,” and Chapter 170, “Child Care Services,” Iowa Administrative Code.

The proposed amendments clarify that the applicant or participant for Family Investment Program assistance, medical assistance, or child care assistance has the primary responsibility for providing information and verification needed for the Department to establish eligibility and benefits. If the applicant or participant fails to supply the information or verification requested and does not request assistance and authorize the Department to obtain the specific information or verification, that failure is a basis for denial or cancellation of assistance.

The Department has recently added a general release of information to applications and review documents used for these programs. If the applicant or participant signs the optional general release of information, the Department may be able to use the release to help obtain information from third parties to determine eligibility and benefits. In some instances this will allow the Department to assist the client in obtaining the necessary information more quickly.

The reason for these amendments is to clarify that signing the optional general release does not absolve the applicant or participant from all responsibility for providing requested information or verification. Use of the general release is not appropriate in all instances, and,

due to the general nature of the form, it will not always be honored by collateral contacts. When the Department needs specific information, the Department will notify the client. If the client is not able to provide the information, the client is responsible for asking the Department worker for help and for giving a specific authorization for the Department to obtain the requested information.

These amendments also include a change to subrule 76.7(4) inadvertently omitted from the amendments adding Medicaid coverage for children in subsidized guardianship that were published on December 3, 2008, as **ARC 7386B**.

Clients are not required to sign the general release of information. A client who is not able to provide the requested information or verification may ask the Department for assistance.

Any interested person may make written comments on the proposed amendments on or before March 18, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code chapters 239B and 249A and section 237A.13.

The following amendments are proposed.

ITEM 1. Amend paragraph **40.24(1)“b,”** introductory paragraph, as follows:

b. The department shall notify the applicant in writing of additional information or verification that is required to establish eligibility for assistance. Failure of the applicant to supply the information or verification requested; or ~~refusal by the applicant to request assistance~~ and authorize the department to secure the requested information or verification from other

sources; shall serve as a basis for denial of assistance. Signing a general authorization for release of information to the department does not meet this responsibility.

ITEM 2. Amend paragraph **40.27(4)“c”** as follows:

c. The recipient has the primary responsibility for providing information and verification needed to establish eligibility and the amount of the family investment program grant. The recipient shall supply, insofar as the recipient is able, ~~additional information and verification needed to establish eligibility and the amount of the family investment program grant~~ within five working days from the date a written request is mailed by the department to the recipient's current mailing address or given to the recipient. The department shall extend the deadline when the recipient requests an extension because the recipient is making every effort to supply the information or verification but is unable to do so.

(1) “Supply” shall mean the requested information or verification is received by the department by the specified due date.

(2) ~~The recipient shall give written permission for release of information when~~ When the recipient is unable to furnish information or verification needed to establish eligibility and the amount of the family investment program grant, the recipient shall request assistance from the department.

(3) Failure to supply the information or verification requested or ~~refusal to request assistance and~~ authorize the department to secure the requested information or verification from other sources; shall serve as a basis for cancellation of assistance. Signing a general authorization for release of information to the department does not meet this responsibility.

ITEM 3. Amend rule 441--76.2(249A), introductory paragraph, as follows:

**441--76.2(249A) Information and verification procedure.** The decision with respect to eligibility shall be based primarily on information and verification furnished by the applicant or member. The department shall notify the applicant or member in writing of additional information or verification that is required to establish eligibility. This notice shall be provided to the applicant or member personally, or by mail or facsimile. Applicants for whom eligibility is determined in whole or in part by the Social Security Administration (SSA) shall make application to the SSA within five working days of referral by the department. If, by the due date, the department does not receive the information or verification requested, an authorization to obtain the specific information or verification requested, or a request for an extension of the due date, the application shall be denied or assistance canceled. Signing a general authorization for release of information to the department does not meet this responsibility. Five working days shall be allowed for the applicant or member to supply and the department to receive the information or verification requested. The department may extend the deadline for a reasonable period of time when the applicant or member is making every effort but is unable to secure the required information or verification from a third party.

ITEM 4. Amend rule 441--76.7(249A) as follows:

**441--76.7(249A) Reinvestigation.** Reinvestigation shall be made as often as circumstances indicate but in no instance shall the period of time between reinvestigations exceed 12 months.

**76.7(1)** The member shall supply, insofar as the member is able, additional information needed to establish eligibility within five working days from the date a written request is issued.

a. The member shall give written permission for the release of information when the member is unable to furnish information needed to establish eligibility.

b. Failure to supply the information or verification requested or ~~refusal~~ to request

assistance and authorize the department to secure the requested information from other sources shall serve as a basis for cancellation of Medicaid. Signing a general authorization for release of information to the department does not meet this responsibility.

**76.7(2)** and **76.7(3)** No change.

**76.7(4)** The review for foster children or children in subsidized adoption or subsidized guardianship shall be completed on Form 470-2914, Foster Care and Subsidized Adoption Medicaid Review, according to the time schedule of the family medical assistance program or supplemental security income program for disabled children, as applicable.

**76.7(5)** No change.

ITEM 5. Amend paragraph **170.5(2)“f”** as follows:

f. The client refuses or fails to supply ~~documentation of~~ information or verification requested, or to request assistance and authorize the department to secure the specific information or verification required to establish eligibility as to need or income from other sources (signing a general authorization for release of information to the Department does not meet this responsibility); or

ITEM 6. Amend paragraph **170.5(3)“c”** as follows:

c. The client refuses or fails to supply ~~documentation of~~ information or verification requested, or to request assistance and authorize the department to secure the specific information or verification required to establish eligibility as to need or income from other sources (signing a general authorization for release of information to the Department does not meet this responsibility); or